

DIST/OFFICE	DOCKET YR. NUMBER	FILING DATE MO. DAY YEAR	J	N/S	O	R	R 23	\$	DEMAND OTHER	JUDGE NUMBER	JURY DEM.	DOCKET YR. NUMBER
1085-4	75 0373	08 14 75	4	190	1	41			107	-8509- 8510		75 0373-7 C

## PLAINTIFFS

## DEFENDANTS

E. R. McKEE and RUTH McKEE

GENE HOPKINS, SHARON HOPKINS,  
RALPH GRIMMER, AMANDA B.  
GRIMMER, BILL B. DeGEER, AND  
D. LINN THOMASON

## CAUSE

USCA 28 #1332

Action for moneys due on written lease agreement

## ATTORNEYS

Sr.  
David H. Sanders, and Tom Mason  
SANDERS, McELROY & CARPENTER  
205 Denver Building  
Tulsa, Oklahoma 74119

G. Michael Lewis, *Bill Ninkle*  
Sam P. Daniel, Jr. (Hopkins)  
1200 Atlas Life Bldg.  
Tulsa 74103 (582-1211 )

*582-6131*  
Allen Barrow, Jr. (D.Linn Thomason)  
JARBOE, KEEFER & BARROW  
1210 Mid-Continent Building  
Tulsa, Oklahoma 74103

Fred S. Nelson (DeGeer)  
805 NBT Bldg.  
Tulsa 74103  
585-9161

P. Thomas Thornbrugh (DeGeer)  
1201 Mid-Continent Bldg.  
Tulsa, OK 74103

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HERE  
IF CASE WAS  
FILED IN  
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## FILING FEES PAID

DATE

RECEIPT NUMBER

C.D. NUMBER

## STATISTICAL CARDS

CARD 9-1-75

JS-5

JS-6

11-1-76

DATE	NR.	PROCEEDINGS
8-14-75	1.	Complaint, filed. Summons issued. lm
8-19-75		Summons issued.k
9-3-75		Summons, ret. & filed: served Gene Hopkins & Sharon Hopkins, Welch, Ok. 8-18-75; Ralph Grimmer & Amanda B. Grimmer, Tulsa, Ok. 8-15-75; D. Linn Thomason/and Bill B. DeGear, Tulsa, Ok. on 8-29-75. (USM \$43.68)g
9-8-75	2.	Appl. of defs., <u>Hopkins</u> , for ext. of time to ans., filed.rm (6)
9-10-75	3.	Order, filed, granting til 9-29-75 to defts. Gene <u>Hopkins</u> & Sharon <u>Hopkins</u> to plead or answer the complaint. (AEB-J) cps mld mm
9-18-75	4.	Deft. <u>Thomason's</u> Appl. for enlargement of time to ans. compl.,fld. v
9-18-75	5.	Order, filed, that Deft. Thomason be granted an additional 15 days to respond to compl. (JCS-CC)v
9-29-75	6.	Appl. of Defts Gene <u>Hopkins</u> & Sharon <u>Hopkins</u> for an extension of Time until October 13, '75 to plead or answer the Complaint of the Pltff., filed. mm (O to J)
10-2-75	7.	Entry of appearance by Fred Nelson for def., DeGeer, filed. rm
10-2-75	8.	Motion of def. <u>DeGeer</u> to enlarge time to ans., filed. rm (6)
10-3-75	9.	Order, filed, granting Defts. <u>Hopkins</u> til 10-13-75 to ans. (AEB-J)k cps mld of Deft. <u>D. Linn Thomason</u>
10-3-75	10.	Mot/ to Dismiss for failure to state a claim subject to relief,fld.v
10-3-75	11.	Brief in support, filed. v
10-6-75	MO:	It is ordered by the Court that Pltffs. are granted 10 days from this date to respond to the Mot. to Dismiss for failure to state a claim subject to relief filed 10-3-75. (AEB-J)v
10-6-75	12.	Order, filed, that def. <u>DeGeer</u> time to answer or respond be extended to and including 10-7-75. (AEB-J)mm cps mld
10-7-75	13.	Deft. Bill B. DeGeer's Motion to Dismiss for Failure to State a Claim Subject to Relief, filed.lm
10-7-75	14.	Brief in Support of Motion to Dismiss for Failure to State a Claim Subject to Relief, filed. lm
10-7-75	MO	Ordered by the Court that plaintiffs are given ten days from this date to file a response to def. Bill B. DeGeer's Motion to Dismiss for Failure to State a Claim Subject to Relief. (AEB-J)lm ltrs mld.
10-10-75	15.	Appl. of Defts. Gene & Sharon <u>Hopkins</u> for ext. of time to ans.,fld.v -o-
10-14-75	MO:	Case transferred to Judge H. Dale Cook. (AEB-J)hm
10-16-75	16.	Requested Findings of Fact and Conclusions of Law of Pltffs, filed.jj
10-16-75	17.	Brief in Support of Requested Findings of Fact and Conclusions of Law, filed.jj
10-17-75	18.	Order, filed, granting defts. Hopkins & Hopkins until 10-24-75 to ans. or plead. (HDC-J)hm (copies mailed)
10-17-75	19.	Pltffs' motion for S/J, filed. (pltff. relying on brief filed 10-16-75)
10-17-75	MO:	Ordered that defts. file a response within 10 days to the pltffs' motion for S/J. (HDC-J)hm
10-24	20.	Answer of defts. Gene and Sharon Hopkins, filed.jj
10-24-	21.	Cross-Claim Against Ralph Grimmer, Amanda B. Grimmer, Bill B. DeGeer and D. Linn Thomason filed by defts. Gene and Sharon Hopkins.jj

## CIVIL DOCKET CONTINUATION SHEET

PLAINTIFF		DEFENDANT	DOCKET NO. <u>75-C-373</u>
E. R. McKee and Ruth McKee		Gene Hopkins, et al	PAGE <u>3</u> OF <u>2</u> PAGES
DATE 1975	NR.	PROCEEDINGS	
10-24	22.	Appl. of defts. Gene and Sharon Hopkins for Ext. of Time to file Brief in Opposition to Motion for S/J, filed.jj 0 to J	
10-28	23.	Defendant D. Linn Thomason's appl. for time til 11-10-75 to file brief in opposition to Plaintiff's Motion for S/J, filed.k 0 to come in	
10-28	24	Order, filed, granting defts. Gene and Sharon Hopkins until 11-10-75 to file brief in opposition to mot. for S/J. (HDC-J)g cpies mld.	
10-28	25	Appli. of deft. Bill B. DeGeer for ext. of time to 11-10-75 to file brief in opposition to motion for S/J, filed. lm (o to J)	
10-29	26	Order, filed, granting deft. DeGeer until 11-10-75 to file brief in opposition to mot. for S/J. (HDC-J)g cpies mld.	
10-29	27	Order, filed, granting deft. Thomason until 11-10-75 to file brief in response to pltfs' mot. for S/J. (HDC-J)g cpiesmld.	
11-10	28	Answer of Def. Thomason to cross claim of Hopkins, filed. ph	
11-10	29	Response to Pltfs. motion for S/J of Def. Thomason, filed. ph	
11-10	30	Deft. Bill DeGeer's answer to cross-claim of defts. Hopkins, filed.k	
11-10	31	Deft. Bill De Geer's response to pltfs' motion for S/J, filed.k	
11-10	32	Defts Bill DeGeer & D. Linn Thomason's requested findings of fact & conclusions of law in support of motions to dismiss, filed.k	
11-10	33	Defts. DeGeer & Thomason's brief in support of requested F/F & C/L, filed.k	
11-11	34	Brief of Defs. Hopkins' in opposition to motion for S/J, filed. ph	
1-28-76	35.	Order, filed, overruling motions to dismiss of defts. DeGeer and Thomason, and overruling motion for summary judgment of pltfs. (HDC-J)hm (copies mailed)	
2-6-76	36.	Application for Ext. of Time, filed.t 0-J	
2-9	37.	Order, filed, that Defts. Bill B. DeGeer and D. Linn Thomason are granted until 2-23-76 to ans. compl. (HDC-J)v -cps. mld.	
2-23	38.	Answer of Defts. Bill DeGeer and D. Linn Thomason, filed.k	
3-2	39.	Mot. of Pltfs. for Default Judgment in favor of Pltfs. & against Defts., Ralph Grimmer & Amanda B. Grimmer, filed. v -brief to be in.	
3-3	40.	Brief & Affidavit in Support of Mot. for Default Judgments as Against Defts., Ralph Grimmer & Amanda B. Grimmer, fld. v	
3-10	41.	Judgment, filed and entered, that pltfs. recover judgment (default) from defts. Ralph Grimmer and Amanda B. Grimmer for the sum of \$112,280.85. (JCS-Clk)hm (copies mailed)	
3-18	MO:	Case set for PT on 6-8-76 at 10:30 a.m. (HDC-J)ph	
6-8	MO:	Case called for PT hearing. Statements made. Pltf. announces he is dismissing against defts. DeGeer and Thomason, which is reflected in the PT order. PT order, filed in open court. Parties to file memorandum of authorities by 6-23-76 and case set for non-jury trial July 12, 1976, at 9:30 a.m. (HDC-J)hm	

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PLAINTIFF		DEFENDANT	DOCKET NO. <u>75-C-373</u>
E. R. McKee and Ruth McKee		Gene Hopkins, et al	PAGE ____ OF ____ PAGES
DATE	NR.	PROCEEDINGS	
6-8-76	42.	Pretrial order, filed in open court. (HDC-J)hm	
6-14	43.	Appl. for change in setting for N/J trial by defts., filed. ph <i>otuf</i>	
6-15	44.	Order, filed, that case is removed from the docket for 7-12-76 and is set for non-jury trial at 9:30 am on Friday, 7-16-76. (HDC-J)ph cps mld	
6-21	45.	Stipulation of dismissal with prejudice as to defts. Bill B. DeGeer and D. Linn Thomason, filed. ph	
6-21	--	Subpoena, ret & filed: Served Michael E. Naman, II on 6-14-76. ph (Witness fee \$20; mileage \$8)	
6-24	46.	Defts' trial memorandum, filed. ph	
6-25	47.	Pltfs' trial brief, filed.s	
6-25	48.	Pltfs' additional requested findings of fact and conclusions of law, filed.s	
6-28	<del>49.</del>	Depositions of John O. Moffitt and E. R. McKee on behalf of deft. Hopkins taken before Loyd J. Christesson, on 6-3-76; and depositions of Bill B. DeGeer and Gene Hopkins on behalf of pltf., filed. (L.J. Christesson-CSR-)ph (\$110.00 pd by deft. Hopkins) (\$166.50 pd by pltf. McKee)	
7-8	49.	Notice of addl. witnesses to be called at trial by depts. Hopkins, filed. rm	
7-16	MO:	Case tried to the Court. Parties represented & announce ready. Opening statements made. Pltf. presents case in chief w/test. of witnesses. Certain portions of PT order offered & received into evidence. Pltf's & deft's exhibits admitted into evidence. Pltf. rests. Deft. presents case in chief w/test. of witnesses and rests. Both parties present rebuttal evid. w/test. of witnesses and rest. Final arguments to be made at 10:00 a.m. 8-11-76. Proposed F/F & C/L to be filed, if desired, by latter part of this month. (HDC-J)hm	
7-16		Trial exhibits, filed. hm	
7-20	--	Subpoena, ret & filed: Served John O. Moffitt on 7-16-76 at Ft. Gibson, OK. ph	
7-30	50.	Defts' requested F/F & C/L, filed. hm	
7-30	51.	Brief in support of defts' requested F/F & C/L, filed. hm	
8-11	MO:	Case stricken from final arguments set this date, to be reset. (HDC-J)hm (parties phoned)	
9-9	MO:	Case set for final arguments 9-17-76 at 10:00 a.m. (HDC-J)hm (notice mailed)	
9-16	MO:	Case stricken from docket of 9-17-76 and reset for oral arguments for 9-24-76 at 10:00 a.m. (HDC-J)ph parties called	
9-17	MO:	Case stricken from oral arguments of 9-24-76, to be reset by the Court. (HDC-J)ph cps of notices mld.	
9-21	MO:	Case set for oral arguments on 9-23-76 at 9:00 a.m. (HDC-J)ph parties called	
9-23	MO:	Case called for final arguments. Parties represented and arguments made. Court makes findings & conclusions & rules for pltfs. Court enters judgment for pltfs. in amt. of \$44,500 & finds that defts. shall assume the rights & responsibilities of lessee, shall keep in force an appropriate ins. policy on property & shall assume obligations of amt. of lease of \$67,500, beginning with payment in	

## CIVIL DOCKET CONTINUATION SHEET

PLAINTIFF		DEFENDANT	DOCKET NO. <u>75-C-373</u>
E. R. McKee		Gene Hopkins	PAGE <u>5</u> OF <u>3</u> PAGES
DATE	NR.	PROCEEDINGS	
		amt. of \$2,500 due 10-1-76. Pltf. counsel to prepare judgment. (HDC-J)hm	
10-5		Reporter's partial transcript of proceedings had on 9/23/76, FF/CL, filed. (T. Bloxom-CR)rm	
10-15	52.	Judgment, filed and entered, that pltfs. recover judgment from defts., Gene Hopkins and Sharon Hopkins, in sum of \$108,569.75. The sum of \$41,069.75 to be paid forthwith and the balance \$67,500.00 to be paid in installments of \$2,500.00 beginning 10-1-76, and monthly thereafter until paid in full; further ordered, that defts. Hopkins shall keep said premises insured in keeping with the terms and provisions of the lease as amended covering said property, further ordered, that defts. Gene Hopkins and Sharon Hopkins are to take possession of said premises as lessee and have all the rights and privileges of lessee under terms and provisions of lease executed between themselves and Michael E. Naman, II on 12-20-73, and thereafter amended by modification of agreement dated 10-4-74. (HDC-J)ph all copies certified and picked up by David Sanders. (copy sent to Michael Lewis)	
4-19-78	53.	Pltfs' appl. to accelerate judgment by reason of defts' default in making installment payments, filed/ ph (Execution issued.)	
4-19	54.	Pltfs' brief in support of appl. to accelerate judgment by reason of defts' default in making installment payments, filed. ph	
4-20	MO:	Ordered by the Court that defts. Gene Hopkins and Sharon Hopkins file a resp. brief within 10 days to Pltfs' appl. to accelerate judgment by reason of defts' default in making installment payments; Further Ordered that said Application is set for hearing on 5-12-78 at 9:00 a.m. (HDC-J)ph ltr mld	
4-27	55.	Request of Gene Hopkins and Sharon Hopkins for ext of time to resp. to pltfs' appl. to accelerate judgment, filed. ph (0) <del>to be in</del>	
5-2	56.	Order, filed, that Gene Hopkins and Sharon Hopkins are granted until 5-8-78 to resp. to pltfs' appl. to accelerate judgment. (HDC-J)ph cps mld	
5-8	57.	Memo. in Response to Pltfs.' Appl. to Accelerate Judgment, fld. by Hopkins Defts.	
5-12	MO:	Case called for hearing on pltfs' appl. to accelerate judgment by reason of defts' default in making installment payments. Deft. Gene Hopkins present & represented. Pltf. represented. Statements made. Matter taken under advisement until amount is paid in full. Pltf. may file appl. for evid. hearing if default is made in next 8 months. If no default is made, appl. will be moot. (HDC-J)ph	
5-12	--	Execution, ret & filed: Served Gene Hopkins at Skiatook, OK on 4-25-78, returned unsatisfied; Served Sharon Hopkins at Skiatook, OK 4-25-78, returned unsatisfied. ph (USM \$10.56)ph	

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DATE	NR.	PROCEEDINGS
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